

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**IN RE PAYMENT CARD INTERCHANGE  
FEE AND MERCHANT DISCOUNT  
ANTITRUST LITIGATION**

**This Document Relates to:**

***7-Eleven, Inc., et al. v. Visa Inc., et al.*, No. 13-cv-05746 (E.D.N.Y.) (MKB) (JO).**

**No. 14-md-01720 (MKB) (JO)**

**PLAINTIFF'S STIPULATION AND  
ORDER OF DISMISSAL WITH  
PREJUDICE OF ALL CLAIMS  
AGAINST THE VISA DEFENDANTS  
AND THE MASTERCARD  
DEFENDANTS**

WHEREAS plaintiff The Gymboree Corporation in the action *7-Eleven, Inc., et al. v. Visa Inc., et al.*, No. 13-cv-05746 (E.D.N.Y.), which is included in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, 1:05-md-01720 (E.D.N.Y.) (the "Settling Plaintiff"), having fully settled all of its claims against the defendants Visa, Inc., Visa U.S.A. Inc., Visa International Service Association, MasterCard Incorporated, MasterCard International Incorporated, Bank of America Corporation, Bank of America, N.A., FIA Card Services, N.A., JPMorgan Chase & Co., Chase Bank USA, N.A., Chase Paymentech Solutions, LLC; JPMorgan Chase Bank, N.A., Citigroup Inc., Citibank N.A., Citicorp Payments Services, Inc., Wells Fargo & Company, and Wells Fargo Bank, N.A. (collectively the "Defendants"), by and through its undersigned counsel, hereby stipulates and agrees, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that the Settling Plaintiff's claims and action against the Defendants be dismissed with prejudice, and with each side to bear its own attorneys' fees and costs; and

WHEREAS because that dismissal will terminate and dispose of the claims and action of the Settling Plaintiff, and there are no pending counterclaims, cross-claims, or third-party claims

to which the Settling Plaintiff is subject, there is no just reason for delay in entering judgment as to the Settling Plaintiff pursuant to Federal Rule of Civil Procedure 54(b).

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the claims and action of the Settling Plaintiff be and hereby are dismissed with prejudice, with each side to bear its own attorneys' fees and costs, and, pursuant to Federal Rule of Civil Procedure 54(b), the Clerk of the Court is hereby directed to enter a judgment dismissing with prejudice all claims of The Gymboree Corporation in *7-Eleven, Inc., et al. v. Visa Inc., et al.*, No. 13-cv-05746 (E.D.N.Y.).

Dated: Jan. 30, 2015.

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to which the Settling Plaintiff is subject, there is no just reason for delay in entering judgment as to the Settling Plaintiff pursuant to Federal Rule of Civil Procedure 54(b).

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the claims and action of the Settling Plaintiff be and hereby are dismissed with prejudice, with each side to bear its own attorneys' fees and costs, and, pursuant to Federal Rule of Civil Procedure 54(b), the Clerk of the Court is hereby directed to enter a judgment dismissing with prejudice all claims of The Gymboree Corporation in *7-Eleven, Inc., et al. v. Visa Inc., et al.*, No. 13-cv-05746 (E.D.N.Y.).

Dated: \_\_\_\_\_, 2015.

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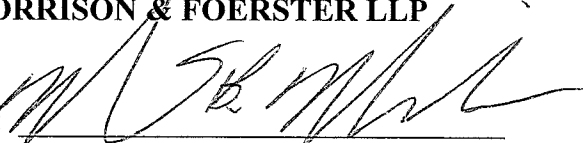
<sup>1</sup> Arnold & Porter LLP is counsel to the Visa defendants as to all plaintiffs in the *7-Eleven* action except for Barnes & Noble, Inc. and Barnes & Noble College Booksellers LLC.

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<sup>2</sup> Morrison & Foerster LLP is counsel for the Bank of America defendants as to all plaintiffs in the 7-Eleven action except for Academy Ltd., Beall's, Inc., Costco Wholesale Corp., Dillard's, Inc., Gap, Inc., GNC Holdings, Inc., and Michaels Stores, Inc.

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**SO ORDERED:**

Dated:

\_\_\_\_\_  
Brooklyn, New York

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United States District Judge